

# HOUSE . . . . . No. 2488

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By Mr. Mariano of Quincy, petition of Ronald Mariano relative to the taxation, sale and delivery of cigarettes. Revenue.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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### AN ACT RELATIVE TO CIGARETTE SALES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 64C of the General Laws, as appearing in the 2002  
2 Official Edition, is hereby amended by inserting after section 10  
3 the following new section:—  
4 Section 10A. Internet, Facsimile, Telephone or Mail Order Cig-  
5 arette Sales. It is unlawful for any public or private postal or  
6 package delivery service to knowingly deliver cigarettes, as  
7 defined in this chapter, to a person under the legal minimum age  
8 to purchase cigarettes. Cigarettes shall not be accepted for  
9 delivery by such a package delivery service if the package does  
10 not have affixed thereto a label which plainly and visibly states:  
11 (1) the package contains cigarettes, and (2) the package is not for  
12 delivery to any person under the legal minimum age to purchase  
13 cigarettes. Any public or private postal or package delivery  
14 service that knowingly delivers cigarettes as part of a sale directly  
15 to a purchaser shall: (a) deliver solely to the purchaser or a person  
16 of legal minimum purchase age at the address given by the pur-  
17 chaser as specified on a valid Massachusetts driver's license,  
18 passport, state issued identification, United States military identi-  
19 fication, or immigration card; (b) require the signature of the pur-  
20 chaser or person of legal minimum purchase age at the time of  
21 delivery; (c) receive and inspect the identification of the purchaser  
22 or person accepting receipt of the cigarettes to verify that he is of  
23 legal minimum age to purchase cigarettes; (d) receive a certifica-  
24 tion from the purchaser or person of legal minimum age accepting  
25 receipt of the cigarettes, on a form prepared by the seller of the

26 cigarettes, certifying that the information on the identification  
27 required under subsection (a) of this section truly and correctly  
28 identifies the purchaser, his current address and age, which certifi-  
29 cation shall be retained on file by the seller for no less than one  
30 year; and (e) submit a copy of the sales invoice for each delivered  
31 package to the Massachusetts Department of Revenue which shall  
32 ensure that the appropriate excise taxes are paid thereon. To be  
33 accepted by the delivery service, each invoice shall include the  
34 name and address of the purchaser, the quantity and brand of ciga-  
35 rettes.

36 Any person who delivers cigarettes in violation of this act shall  
37 be fined no less than \$250 or more than \$1,000 for each offense.  
38 A person who falsely certifies information required by this act  
39 shall be fined no less than \$100 or more than \$500 for each  
40 offense.